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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/973,121 | 10/09/2001 | Erich Russ | GOTZ-10 | 4705 |

7590 04/02/2003

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EXAMINER

GRAHAM, MATTHEW C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3683

DATE MAILED: 04/02/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973121

Applicant(s)

RUSS ET AL.

Examiner

GRAHAM

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

1. The disclosure is objected to because of the following informalities: The word "rims", on page 1, line 24, should be --rings--.

Appropriate correction is required.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite in the recitation of "coupled or that may be coupled". This phrase is ambiguous and non-limiting. The following terms lack clear antecedent basis:

"the rotatable coupling";

"the frame";

"the second connection element";

"this connection element";

"the toothing";

"the untoothed connection element";

"the toothed connection element";

"the front end";

"its connection/securement means";

"the machine part".

Also, the phrase "even if there are still housing parts between the machine part and the untoothed connection element" is vague and confusing.

Claims 2-10 are indefinite due to their dependency on claim 1.

The dependent claims are also replete with terms lacking clear antecedent basis, such as: "the guideway" and "the ball-bearing race" in claim 2. Applicants are advised to review each and every claim and amend them to provide antecedent basis for all terms.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pecorari.

Pecorari shows a rotatable coupling (see Fig. 1) having a worm gear drive 35 having crown in 19, toothed element 21, securement means (unlabeled bores, bearings 17, connection elements 9, 19).

Re-claim 2, machining is, of course, used to form the parts.

Re-claim 3, the connection elements are rings.

Re-claim 4, element 19 has external teeth.

Re-claim 5, the ball-bearing is on the opposite side of the teeth.

Re-claim 6, see the unlabeled bores in Fig. 3.

Re-claim 7, the bores are graphically depicted as having threads, which are inherent.

Re-claims 8-9, see Fig. 3.

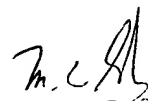
Re-claim 10, note annulus 1.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bauer et al., Richardson, Frank and Ewart et al. show slewing rings and/or bearings.

6. Any inquiry concerning this communication should be directed to Mr. Graham at telephone number (703) 308-1113.

Graham/kl
March 20, 2003


3-27-2003
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310